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W.P.No.20990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.20990 of 2024

A.Loganathan

... Petitioner

Vs.

- 1.The District Collector
Thiruvannamalai District
Thiruvannamalai – 606 604.
- 2.The District Supply and Consumer Protection Officer
O/o. District Collector
Vengikal
Thiruvannamalai – 606 604.
- 3.The Joint Registrar
Co-operative Societies
Thiruvannamalai District.
- 4.The Taluk Supply and Consumer Protection Officer
Taluk Office
Arani, Thiruvannamalai – 632 301.
- 5.The Assistant Registrar
Public Distribution Scheme
Arani
Thiruvannamalai District.

... Respondents



W.P.No.20990 of 2024.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records and quash the order passed by the 5th respondent vide Na.Ka.No.1112/2022 GDS2 dated 29.02.2024 and direct the respondents to open the part time ration shop in the petitioner village and pass orders.

For Petitioner : Mr.N.Ranganathan

For Respondents : Ms.R.L.Karthika
Government Advocate for R1 to R5

ORDER

Aggrieved by the rejection of his request in providing a part time ration shop, the petitioner is before this Court.

2. The facts which give rise to this petitioner are herein below set out :

- a) The petitioner is the resident of Kunnathur Village, Arani Taluk, Tiruvannamalai District. According to the petitioner, there are more than 3800 people living in his village, and 1212 families possess ration cards. He would submit that his village has only one full time fair price shop running under the control of Primary



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Agricultural Cooperative Ration shop, and all the ration card holders are depending on the said ration shop. The villagers faced many problems at the time of procuring the essential commodities from the fair price shops, including the staff working in the fair price shop in distributing the commodities. In order to get rid of this situation, the petitioner on behalf of the villagers had made a representation to the fourth respondent on 26.12.2020 to open a part-time fair price shop in his village and to re-allocate the card holders. The representation of the petitioner was forwarded to the third respondent for further action. However, there was no response.

- b) The fourth respondent had required the petitioner to arrange for a private building to run the part time ration shop at the cost of the villagers.
- c) Vide representation dated 22.07.2021, the petitioner and the villagers had consented to it and had also given in writing that they are agreeable to pay the rentals and electricity charges amount incurred in running the part time ration shop. The owner of the premises had also consented to provide a private building to run the part time ration shop at free of cost.



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- d) This apart, on 02.10.2021, a resolution was passed in the Grama Sabha meeting with reference to establishing a new part time ration shop in the petitioner's village.
- e) A further representation was made on 27.05.2022 to the third respondent and all necessary details required by the authorities were provided by the villagers with a fond hope that a part time ration shop will be opened in their village shortly.
- f) However, this request has been turned down on two grounds. As per the Fair Price Shop Rules, the first ground is that the minimum distance between the main ration shop and part time ration shop must be 1.5 mtrs., whereas the place at which the proposed ration shop is intended to open, is hardly 500 mtrs., away from the main ration shop. The second ground in the impugned order is that the proposed building in which the part time ration shop is made to run, should belong to Government or Panchayat.

Aggrieved by the impugned order, the petitioner is before this Court.

3. The third respondent has filed the counter affidavit in which he has stated the eligibility criteria for opening a part time shop, and the same reads as follows :



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1. *To bifurcate the part time shop from the full-time shop there should be a minimum of 150 family cards in part time shop*
2. *Once the part time shop is being opened there should be at least minimum of 500 family cards in full-time shop.*
3. *There should be minimum of at least 1.5 Kms between full-time shop and the proposed part time shop.*
4. *The building for part time shop should be government owned or rural body owned public building.*
5. *The public who represents for the opening of new part time shop should bear the inward and outward charges for the movement of public commodities.”*

Of the aforesaid conditions, conditions 3 and 4 would not satisfy the required criteria in opening the part time fair price shop. Hence, the impugned order came to be passed rejecting the request of the petitioner. The learned counsel further submit that neither the second respondent nor the fifth respondent is empowered to open the new price shop, either full time or part time, as the case may be, and it is only the District Collector, the competent authority, who can issue orders to open the fair price shops, based on the proposal submitted



through the 2nd and 5th respondent. The learned counsel also reiterated that upon receipt of representation from the petitioner, the authority concerned made his recommendations to the District Collector, however, the District Collector through his subordinate, the second respondent herein, has rejected the proposal. Hence, the impugned order.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Admittedly, the building, in which the proposed part time fair price shop is intended to run, is situated just 500 mts., away from the existing fair price shop. The Rules clearly provide that there must be a minimum distance of 1 ½ kms. between the main fair price shop and part time fair price shop. Further, the proposed building for running a new part time fair price shop should be a public owned rather than private building. Therefore, on these grounds, the petitioner's request has been turned down as it does not satisfy the required criteria of the Rules to open a part time ration shop..



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6. The order impugned herein does not suffer from any infirmity and I do not find any reasons to set aside the same. Accordingly, the writ petition is dismissed. No costs.

06.01.2026

Index : Yes / No

Neutral Citation : Yes / No
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P.T. ASHA, J,

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